

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 05-00190-01 JMS
	)	CR. NO. 06-00406 JMS
Plaintiff,	)	
	)	<b>MOTION TO WITHDRAW AS</b>
vs.	)	<b>COUNSEL</b>
	)	
JOSE DIAZ,	)	
	)	
Defendant.	)	
_____	)	

**MOTION TO WITHDRAW AS COUNSEL**

Comes Now, Birney B. Bervar, court appointed attorney for Defendant Jose Diaz, and hereby moves to withdraw as counsel for Defendant Diaz. In support of this motion, counsel states as follows:


1. On approximately January 5, 2007, I was appointed as substitute counsel for Mr. Diaz to represent him in sentencing proceedings which are currently scheduled for May 29, 2007.

2. On May 10, 2007, I went to consult with Mr. Diaz at the Federal Detention Center in Honolulu. With me was Spanish interpreter John Hays, who had also been appointed by the court. Mr. Diaz refused to meet with me or talk with me about his case, stating that his family had retained an attorney for him who would represent him in all further

proceedings. Mr. Diaz would not tell me who this new attorney was, but informed me that he did not wish for me to represent him any further in this matter. I asked Mr. Diaz if he wanted me to file a motion to withdraw as his counsel and he said, "yes".

3. Therefore, I respectfully request that I be allowed to withdraw from representing Mr. Diaz in this matter.

DATED: Honolulu, Hawaii, May 11, 2007.



BIRNEY B. BERVAR  
Attorney for Defendant  
Jose Diaz